

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

July 5, 2012 Meeting
Agenda Item 4

SUBJECT: Marina Park Project - (PA2012-079)

**SITE
LOCATION:** 1600 W. Balboa Boulevard
▪ Amendment to Coastal Land Use Plan No.LC2012-002

APPLICANT: City of Newport Beach

PLANNER: James Campbell, Principal Planner
949-644-3210; jcampbell@newportbeachca.gov

PROJECT SUMMARY

Amendment of Coastal Land Use Plan (CLUP) Policy No. 4.4.2-1 to allow a tower feature within the City's previously approved Marina Park project to exceed the 35-foot shoreline height limitation zone. The Marina Park project was approved by the City Council in March 2009 and it included a 71-foot tall landmark tower feature depicting a lighthouse. No changes to the approved plans are proposed.

RECOMMENDED ACTION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ recommending the City Council approve the Amendment to the Coastal Land Use Plan No. LC2012-002 (Attachment No. PC 1).

INTRODUCTION

Project Setting

The project site is approximately 10 acres and is developed with approximately 57 mobile homes, Girl Scout house, park and recreation facilities (community center, tot lot, basketball courts, public tennis courts, public access) and a surface parking lot. The site is bordered to the east by a parking lot, the American Legion Post 291, residential and commercial uses, and 15th Street; to the south by West Balboa Boulevard, and residential uses; and to the west by 18th Street, a hotel and residential uses. The General Plan Land Use Element designates the site as Park and Recreation. The majority of the site is zoned Planned Community. A vicinity map of the project is provided as Attachment No. PC 2.

Project Description

The request is to amend Coastal Land Use Plan Policy No. 4.4.2-1 to allow a 71-foot high architectural feature within the previously approved Marina Park project. The proposed amendment is underlined below:

Coastal Land Use Policy 4.4.2-1

Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following site.

- a) *Marina Park located at 1600 W. Balboa Boulevard: 71-foot tall tower feature.*

Background

The City Council approved the concept plan for the Marina Park project in March 2009, following certification of the Environmental Impact Report. After refinement by the Marina Park Committee, the project was submitted to the California Coastal Commission. The Marina Park project includes the following elements (renderings are provided as Attachment No. PC 3):

- removal of mobile home park, community buildings and recreational facilities;
- construction of a 23,832 sq. ft., 35-ft. high multi-purpose and sailing program building with 71-ft. high architectural feature representing a lighthouse (nonfunctioning);
- construction of a 5,500 sq. ft. Girl Scout building;
- 157-space public parking area;
- public park amenities including new restrooms with a 34-ft. high lighthouse (non-functioning);
- new public marina (including bulkhead and groin) consisting of 23 slips and 200-ft. long side tie area; and
- tentative parcel map to combine 35 lots into 4 lots.

The Shoreline Height Limitation Zone was adopted by the City in the early 70s to regulate and control development pressures within the harbor area. It includes West Newport, areas surrounding the harbor and it extends inland to the Back Bay.

The City Council approved the Marina Park tower feature on the basis that the Zoning Code allows for base height limits to be exceeded and that the public view analysis had been completed demonstrating the tower feature complied with the Coastal Act. In other words, there would be no significant impact to public views.

The Coastal Commission approved the project in June 2012, but limited the tower feature to 35-feet on the basis that it did not comply with Policy 4.4.2-1 of City's Coastal Land Use Plan. Their comments revealed concerns that, if approved, the additional height could create precedent for future increases in height. This concern was echoed by Coastal Commission staff, therefore, the proposed amendment has been drafted to only apply to the Marina Park project.

DISCUSSION

Analysis

The tower is considered a critical element of the project by facilitating navigation of watercraft for new visitors, as well as to draw the beach going public into the park. In addition to its functional role, the tower is anticipated to become an iconic feature for the facility which reflects the City's history and culture.

The City in approving the Marina Park project evaluated potential view impacts that may be created by the tower feature and concluded, that while visible from designated viewing areas where public views are protected, it is not bulky, obtrusive or otherwise objectionable in nature. Some suggest that the tower feature enhances the view by providing an architecturally coordinated and pleasing focal point within the view. The view simulations are provided as Attachment No. PC3.

General Plan and Zoning Code

In approving the Marina Park project the City Council made the requisite findings and took the necessary discretionary actions to permit the tower feature to exceed the "base" height of the zoning district.

Alternatives

1. The Planning Commission may modify the proposed amendment and forward the recommendation to the City Council.
2. The Planning Commission may determine that the additional height is not necessary for the proposed project and the 35-foot height limit should be maintained. In such case, the Planning Commission needs to make and pass a motion recommending the City Council not amend the Coastal Land Use Plan to increase the height of the tower to 71-feet.

Environmental Review

The Marina Park Project Environmental Impact Report (EIR) (SCH # 2008051096) was certified to the City Council in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3 on May 11, 2010. The tower feature was evaluated in the EIR, therefore no further environmental analysis is required. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov.

Public Notice

Notice of the public hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing, consistent with the Municipal Code. Additionally, this item appeared upon the agenda for this meeting, which was posted at City Hall and on the City's website.

Prepared By:

Submitted By:

James Campbell, Principal Planner



Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Vicinity Map
- PC 3 Project Renderings & View Simulations

Attachment No. PC 1

Draft Resolution with Findings

RESOLUTION NO. XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT TO THE COASTAL LAND USE PLAN TO MODIFY POLICY NO. 4.4.2-1 TO ALLOW A TOWER ELEMENT AT 1600 W. BALBOA BOULEVARD (PA2012-079)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. Between 2007 and 2009, working with residents, the citizen group Protect our Parks, the Harbor Commission and the 9-member Council/Citizens Advisory Committee, the City developed the plan to replace the current mobile home park between 18th Street and 15th Street along West Balboa Boulevard with a visitor-serving use.
2. The Marina Park Committee was formed to oversee the design of the project and advise the Council regarding the community and stakeholder interests. The Marina Park Committee conducted fourteen public meetings between 2009 and 2011.
3. In March 2009 the City Council approved the concept plan for a visitor-serving marina, a community building, a sailing center, a new Girl Scout meeting house, parking, a tot play area, restrooms, and lots of open grassy space for picnicking.
4. The Marina Park Project Environmental Impact Report (EIR) (SCH # 2008051096) was certified to the City Council in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3 on May 11, 2010.
5. The project was submitted for approval and permitting by the California Coastal Commission and was conditionally approved on June 13, 2012. Approval was conditioned to reduce the height of the tower element to 35-feet.
6. In accordance with California Code of Regulations, Section 13515[c], notice of availability of the proposed amendment to the Coastal Land Use Plan was mailed to: 1) members of the public requesting such notices; 2) contiguous and affected local governments; 3) various regional, state and federal agencies, and 4) local libraries and media.
7. A public hearing was held on July 5, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The Marina Park Project Environmental Impact Report (EIR) (SCH # 2008051096) was certified to the City Council in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3 on May 11, 2010.
2. The 71-foot high tower element was included in the project description analyzed in the EIR which the affect on public views and access. Therefore, the EIR concluded that the project, including the tower element, was consistent with the goals and policies of the Coastal Land Use Plan and the California Coastal Act.

SECTION 3. FINDINGS.

1. Amendments to the Coastal Land Use Plan are a legislative act. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments.
2. The proposed amendment to Coastal Land Use Plan Policy 4.4.2-1 shall read (changes are underlined):

Coastal Land Use Policy 4.4.2-1

Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following site.

- a) Marina Park located at 1600 W. Balboa Boulevard: 71-foot tall tower feature.

3. The amendment of the Coastal Land Use Plan will allow for a tower feature to be incorporated into the previously approved Marina Park Project. The tower, which will depict a lighthouse, is considered a critical feature of the project in that it provides an iconic element of a public facility and will assist in wayfinding for the public from land and water.
4. The analysis of the proposed project and tower element demonstrate no impacts to designated public view sheds or public access. The project analysis demonstrated the project, including the 71-foot tower element, would be in compliance with the California Coastal Act. In that the subject amendment would only allow a tower element on the subject site, the amendment is also consistent with the Coastal Act.
5. The proposed amendment to the Coastal Land Use Plan shall take effect upon approval from the California Coastal Commission. Unless modifications to the original amendment are required as a result the Coastal Commission's approval, no further action will be required of the City Council.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of Coastal Land Use Plan Amendment LC2012-002, modifying Policy No. 4.4.2-1 to allow a tower element up to 71-feet in height at Marina Park located at 1600 W. Balboa Boulevard, a 10-acre, bay-fronting parcel located between 15th and 18th Streets on the Balboa Peninsula. .

PASSED, APPROVED AND ADOPTED THIS 5th DAY OF JULY, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

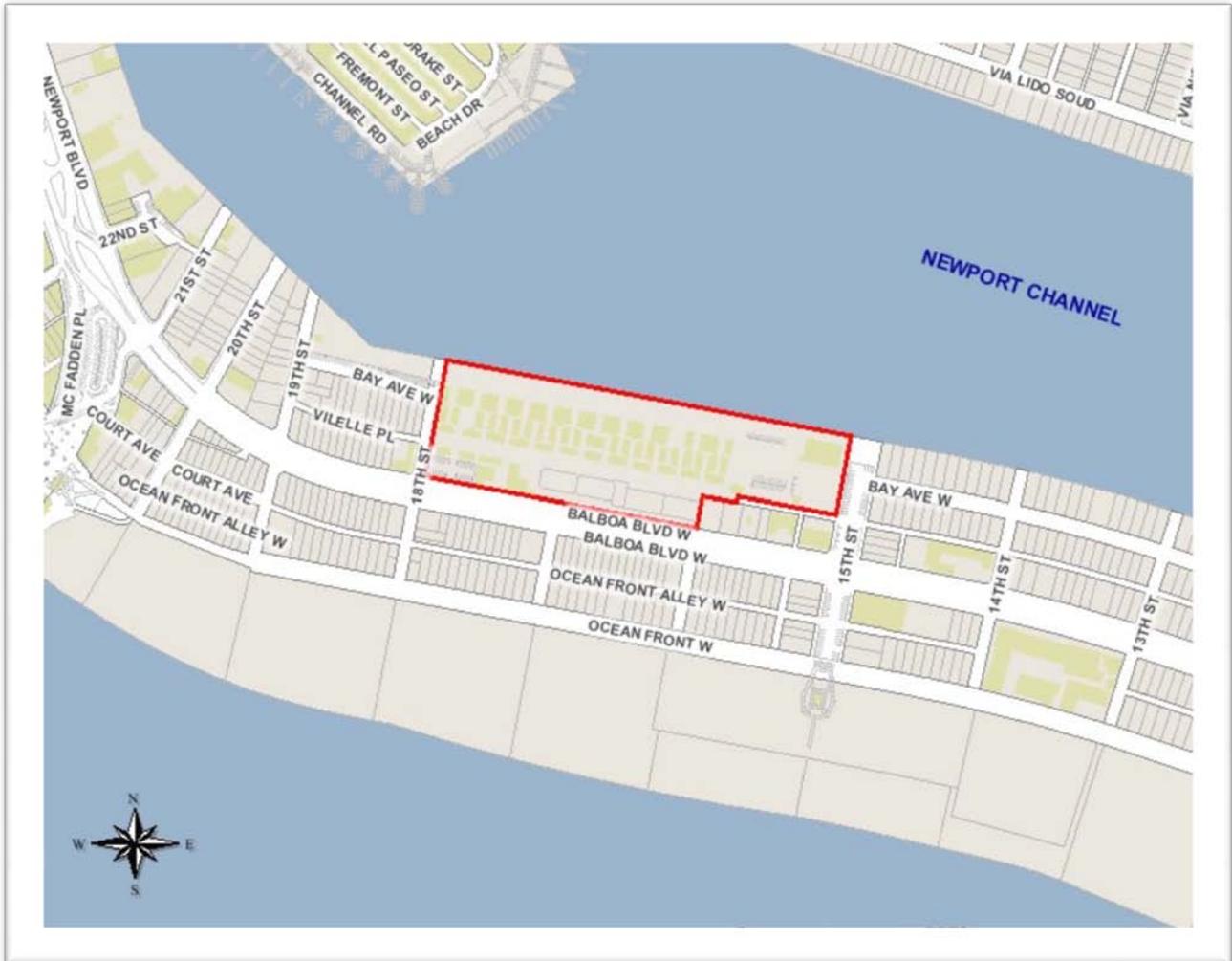
BY: _____
Fred Ameri, Secretary

Attachment No. PC 2

Vicinity Map

Attachment PC2

Vicinity Map



Attachment No. PC 3

Project Rendering and View Simulations



Balboa Center



North Facing Elevation
Towards Harbor

Balboa Center: Community Center

- Several Public Classrooms 1st fl.
- Community Multi-Purpose Room
- Conference Room
- Public Restrooms
- 2nd Floor Observation Deck



VIEW FROM NORTHWEST



Balboa Center: Sailing Center Bldg

- Marina Services Dept. Offices
- Beachfront Café & 2nd Floor Outdoor Dining Area
- Classrooms/ Learning Annex
- Bathroom, Showers & Laundry Facilities
- Boat & Equipment Storage



LUP Designated Scenic View Areas



Existing View from Lido Island Bridge



View of Tower from Lido Island Bridge



Balboa Center
Tower Element

Existing *View from King's Rd. Overlook*



View of Tower from King's Rd. Overlook



Existing View from Sunset Ridge Park



Existing Harbor View



View of Tower from Boater's Perspective



Balboa Center
Tower Element

Conclusion

- The Project Will **Open up 1400 linear feet of Public Beach**
- Significantly **Enhances Public Views**
- Provides **Increased Access Opportunities** for Transient Boaters Along the Coast
- Provides **Educational Classes & Opportunities** to the Community
- Anticipated **LEED Silver Certification**





**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
3300 NEWPORT BOULEVARD, BLDG. C
NEWPORT BEACH, CA 92658-8915
(949) 644-3200**

Memorandum

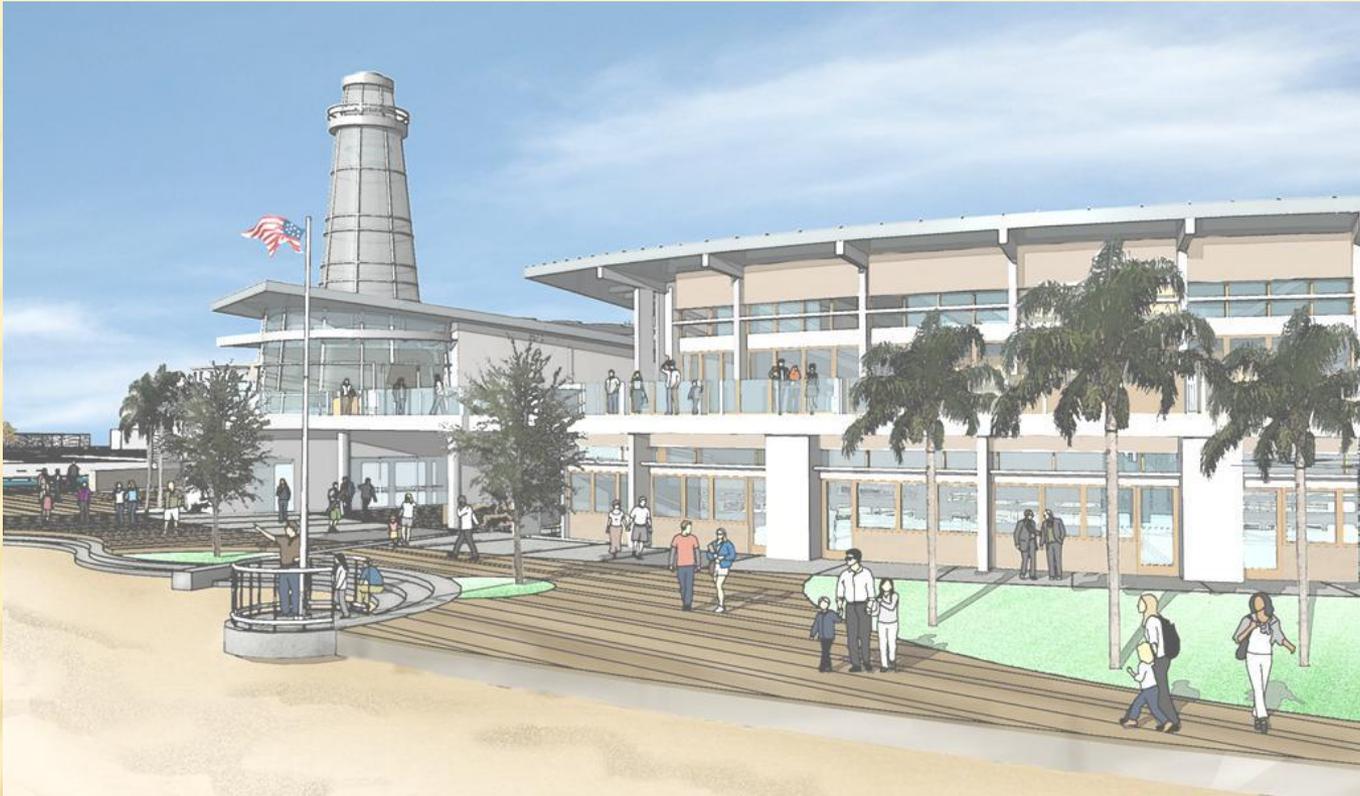
To: Planning Commission
From: James Campbell, Principal Planner
Date: July 3, 2012
Re: Marina Park Project CLUP Amendment (PA2012-079)

Staff has consulted with Coastal Commission staff regarding the proposed amendment and they have advised more specific policy language. They are concerned that overly general language could be used to support a different and potentially more impactful design should the City choose to redesign the proposed project despite the fact that the City has no intention of modifying the current approved design. They advised more specific language indicating the use and purpose of the architectural feature. To address these concerns, staff proposes the following policy amendment in-lieu of the language in the staff report.

4.4.2-1. Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following site.

Marina Park located at 1600 W. Balboa Boulevard: A single, up to 71-foot tall architectural tower that does not include floor area but could house screened communications or emergency equipment. The additional height would create an iconic landmark for the public to identify the site from land and water and a visual focal point to enhance public views from surrounding vantages.

Staff believes the language addresses Coastal staff's concerns while allowing flexibility to allow screened emergency or communications equipment should the City choose to include it in the future.



Planning Commission Hearing – July 5, 2012

MARINA PARK CLUP AMENDMENT

MARINA PARK CLUP AMENDMENT

✘ Marina Park Project

- + EIR certified by the City Council

 - ✘ View analysis performed – less than significant impact

- + Project approved in March 2009

- + Coastal Commission approved in June 2012

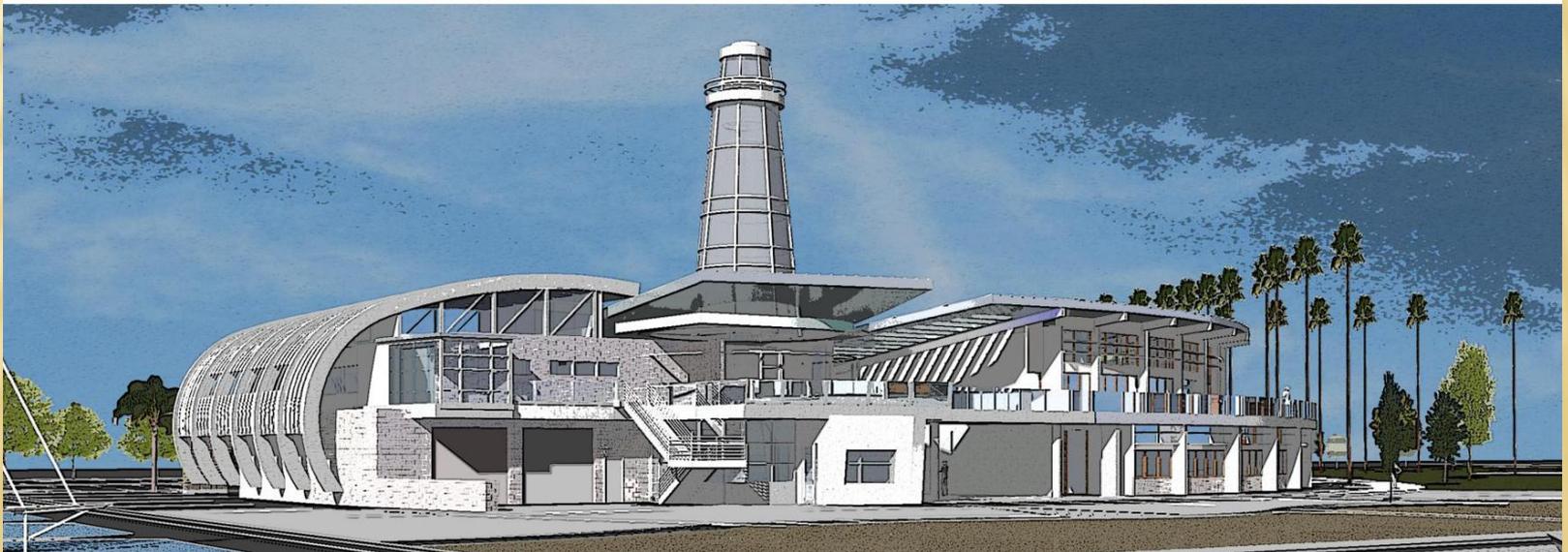
 - ✘ 71-foot tower feature limited to 35-feet in height

 - ✘ CLUP Policy 4.4.2-1 cited as primary reason

MARINA PARK CLUB AMENDMENT



MARINA PARK CLUB AMENDMENT





MARINA PARK CLUP AMENDMENT

Proposed Amendment CLUP Policy 4.4.2-1.

Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following site.

Marina Park located at 1600 W. Balboa Boulevard: A single, up to 71-foot tall architectural tower that does not include floor area but could house screened communications or emergency equipment. The additional height would create an iconic landmark for the public to identify the site from land and water and a visual focal point to enhance public views from surrounding vantages.